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ment of the purposes of its incorporation. *Jones v. City of Richmond*, 18 Gratt. 517, disapproved.

3. CITY OF RICHMOND—*Act extending power of city council—Ordinance of April 2, 1865, for the destruction of liquor.* The Act of Assembly, passed February 12, 1863 (Acts 1862-3, p. 106), to enlarge the powers of the council of the city of Richmond, which authorizes the council to suppress gaming and gambling houses, tippling, and to prevent and regulate the sale of liquors, and to seize, for the use of the city, liquors sold or kept for sale in violation of the ordinances of the city, did not authorize the adoption of the ordinance of April 2, 1865, for the destruction of all liquors in the city and for the payment therefor by the city.

GAINES' ADMR. V. MARYE, AUDITOR.—Decided at Richmond, January 14, 1897.—*Riely, J* :

1. CODE OF 1887—*Construed as one act—If sections not harmonious original acts may be looked to—Register of Land Office—Salary—Secs. 183 and 1908 of Code.* The Code of 1887 was adopted as one act and all of its parts took effect at the same time. The various sections are to be construed together as one act. If harmonious the acts from which the sections were taken cannot be resorted to to discover errors in the revision. If there is a lack of harmony between the various sections, or their meaning is not clear, the original statutes revised may be looked to in order to ascertain the latest expression of legislative intent. Applying this rule to sections 183 and 1908 of the Code, the Register of the Land Office is entitled to a salary of \$1,500 a year, and no more, for the discharge of the duties of that office and the offices of Superintendent of Public Buildings and of Weights and Measures.

THE NATIONAL BANK OF VA. V. NOLTING.—Decided at Richmond, January 28, 1897.—*Harrison, J* :

1. PRINCIPAL AND AGENT—*Contract with agent—Who may sue—Declaration—Amendment by inserting name of beneficial plaintiff.* Where a contract not under seal is made with an agent and in the agent's name for an undisclosed principal, either principal or agent may sue on it. And on proof that the agent has no beneficial interest in the subject, it is not error to allow the declaration to be so amended as to show that the action is for the benefit of his principal, and to allow the action to proceed to judgment in that form.

2. BANKS—*Raised check—Liability of bank—Duty of depositor in drawing check.* A bank is responsible to a depositor for the payment of a check which has been altered in a material particular after signature, unless the negligence or laches of the drawer has laid the foundation for the error of the bank. The depositor, however, is only chargeable with the duty of ordinary care and diligence. Merely giving a stranger a check in exchange for money is not such negligence on the part of the drawer as will excuse the bank on which it is drawn for paying the check after it has been raised to a larger amount by the drawee without authority.

REYNOLDS V. COMMONWEALTH.—Decided at Richmond, April 8, 1897.—By the court:

1. CRIMINAL LAW—*Indictment for felony—Conviction of a misdemeanor.* Upon an indictment for a felony in a county or corporation court the accused may be acquitted of the felony but found guilty of a misdemeanor.